

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:23-cr-00455
)	
Plaintiff,)	JUDGE DAVID A. RUIZ
)	
vs.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
NICHOLAS JOHNSON,)	REFERRAL TO U.S. PROBATION
)	OFFICE
Defendant.)	
)	

This case is before the Court on a Report and Recommendation (R&R) filed by United States Magistrate Judge Thomas M. Parker regarding the change of plea hearing of Defendant Nicholas Johnson which was referred to the Magistrate Judge with the consent of the parties.

On October 19, 2023, the Government filed a fourteen count Superseding Indictment against Defendant Nicholas Johnson and a co-defendant. Johnson was charged in Counts 1, 2, 4, and 5, as follows: Count 1 — Conspiracy to Commit Engaging in the Business of Dealing in Firearms without a License, in violation of 18 U.S.C. §§ 371 and 922(a)(1)(A); Count 2 — Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms without a Federal Firearms License, in violation of 18 U.S.C. §§ 922(a)(1)(A), 924(a)(1)(D), and 2; Count 4 — Conspiracy to Engage in Firearms Trafficking, in violation of 18 U.S.C. § 933(a)(1) and (3); Count 5 — Trafficking in Firearms, in violation of 18 U.S.C. § 933(a)(1). Johnson was arraigned on the Superseding Indictment on October 30, 2023, during which he entered a plea of not guilty to the charges. On February 12, 2024, Magistrate Judge Parker received Defendant's plea of guilty to Counts 2 and 5 of the Superseding Indictment, with a written plea agreement,

and issued a Report and Recommendation (R&R). The R&R recommends, *inter alia*, that the undersigned accept Defendant Johnson's guilty plea and find him guilty of committing the charges in Counts 2 and 5 of the Superseding Indictment.

Neither party has objected to the Magistrate Judge's R&R.

On *de novo* review of the record, the Magistrate Judge's R&R is adopted. Defendant Nicholas Johnson is found to be competent to and capable of entering a knowing and informed plea and to understand his constitutional rights. He is aware of the charges against him and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Nicholas Johnson is adjudged guilty of Count 2 of the Superseding Indictment—Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms without a Federal Firearms License, in violation of 18 U.S.C. §§ 922(a)(1)(A)—and in Count 5 of the Superseding Indictment—Trafficking in Firearms, in violation of 18 U.S.C. § 933(a)(1)—as set forth in the plea agreement. This matter was referred to U.S. Pretrial Services and Probation Office for the completion of a pre-sentence investigation and report, and sentencing will proceed as scheduled.

IT IS SO ORDERED.

s/ David A. Ruiz 5/30/2024
DAVID A. RUIZ
UNITED STATES DISTRICT JUDGE